

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

ANDREW ZENTZ,

Plaintiff,

v.

ADVANCED ASSEMBLY, LLC,

Defendant.

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CIVIL NO. 1:13cv139

OPINION AND ORDER

This matter is before the court on a motion to dismiss without prejudice, filed by the plaintiff, Andrew Zentz (“Zentz”), on October 28, 2013. On November 13, 2013, the defendant, Advanced Assembly, LLC, (“Advanced Assembly”), filed a response indicating that it does not object to Zentz’s motion.

Under the Federal Rules of Civil Procedure, a “plaintiff may dismiss an action without a court order by filing: (I) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or (ii) a stipulation of dismissal signed by all parties who have appeared.” Fed.R.Civ.P. 41(a)(1)(A). In the present case, Advanced Assembly has answered the complaint, thus requiring stipulation of the parties prior to dismissal. Advanced Assembly states that its response to the motion should be deemed its stipulation to the dismissal.

Accordingly, as the parties have stipulated to dismissal without prejudice, Zentz’s motion will be granted and this case is hereby DISMISSED WITHOUT PREJUDICE.

Entered: January 13, 2014.

s/ William C. Lee
William C. Lee, Judge
United States District Court